

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

TRANSACTION HOLDINGS LTD. L.L.C.,	:	
	:	
Plaintiff,	:	
v.	:	Civil Action No.
	:	
IYG HOLDING CO., 7-ELEVEN, INC., VCOM	:	JURY TRIAL DEMANDED
FINANCIAL SERVICES, INC.,	:	
	:	
Defendants.	:	
	X	

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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Transaction Holdings Ltd. L.L.C. (hereinafter "Transaction Holdings"), a limited liability company organized and existing under the laws of the State of Delaware, having its principal place of business at Trolley Square, Suite 26C, Wilmington, DE 19806, for its complaint, hereby alleges as follows:

**NATURE OF THE SUIT**

This is a suit against defendants for violation of United States Patent Laws, 35 U.S.C. § 1 *et seq.*, by selling products and providing services that infringe one or more of the claims of plaintiff's United States Patent No. 6,945,457.

**THE PARTIES**

1. Defendant IYG Holding Co. (hereinafter "IYG"), is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 2711 N. Haskell Avenue, Dallas, Texas.

2. Defendant 7-Eleven, Inc. (hereinafter "7-Eleven"), is a corporation organized and existing under the laws of the State of Texas, having its principal place of business at 2711 N. Haskell Avenue, Dallas, Texas.

3. Defendant Vcom Financial Services, Inc. (hereinafter "Vcom Financial"), is a corporation organized and existing under the laws of the State of Texas, having its principal place of business at 2711 N. Haskell Avenue, Dallas, Texas.

4. Defendants 7-Eleven, Vcom Financial and IYG are hereinafter collectively referred to as "7-Eleven."

5. Upon information and belief, 7-Eleven and Vcom are subsidiaries of or substantially owned by IYG.

### **JURISDICTION AND VENUE**

6. This action is for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* Subject matter jurisdiction is conferred upon this Court under 28 U.S.C. § 1338(a).

7. 7-Eleven is engaged in the marketing and sale of products and services throughout the United States.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

9. Personal jurisdiction over defendants is proper as 7-Eleven does business in this district, has substantial contacts with this district, and is committing and contributing to the acts of patent infringement alleged in this Complaint in this district.

### **FIRST CLAIM FOR RELIEF**

#### **Patent Infringement**

10. On September 20, 2005, United States Patent No. 6,945,457 (the '457 patent), entitled "Automated Transaction Machine," was duly and lawfully issued based upon an application filed by the inventor, David M. Barcelou. (A true and correct copy of the '457 patent

is attached hereto as Exhibit A. A certification of correction filed with the United States Patent and Trademark Office is appended thereto.)

11. Transaction Holdings is the owner by assignment of all rights to the '457 patent, and has the right to sue and recover damages for infringement thereof.

12. 7-Eleven has directly and/or contributorily infringed, and/or induced infringement of, and is continuing to directly and/or contributorily infringe, and/or induce infringement of, the '457 patent, by selling and offering to sell products and services within the scope of one or more claims of the '457 patent, including without limitation, providing retail transactions to consumers through 7-Eleven Vcom automated teller machines.

13. The acts of infringement of 7-Eleven have occurred with knowledge of the '457 patent and are willful and deliberate. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. § 285.

14. Transaction Holdings has been damaged by the infringement of 7-Eleven and is suffering, and will continue to suffer, irreparable harm and damage as a result of this infringement, unless such infringement is enjoined by this Court.

15. Transaction Holdings has no adequate remedy at law.

WHEREFORE, Transaction Holdings demands judgment as follows:

A. An order adjudging 7-Eleven to have infringed the '457 patent.

B. A permanent injunction enjoining 7-Eleven, together with their officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with any of them who receive actual notice of the order by personal service or otherwise, from infringing the '457 patent.

C. An award of damages adequate to compensate Transaction Holdings for the infringement of 7-Eleven, along with prejudgment and postjudgment interest, but in no event less than a reasonable royalty.

D. An order requiring 7-Eleven to pay treble the amount of compensatory damages pursuant to the provisions of 35 U.S.C. § 284.

E. An award of Transaction Holdings' reasonable attorney fees and expenses, pursuant to the provisions of 35 U.S.C. § 285.

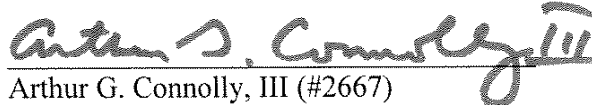
F. An award of Transaction Holdings' costs.

G. Such other and further relief as this Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38(b), plaintiffs hereby demand a trial by a jury of twelve persons on all issues so triable herein.

CONNOLLY BOVE LODGE & HUTZ LLP



Arthur G. Connolly, III (#2667)

James M. Lennon (# 4570)

The Nemours Building

1007 North Orange Street

Wilmington, DE 19801

Tel: 302.658.9141

*Attorneys for Plaintiff*

*Transaction Holdings Ltd. L.L.C.*

OF COUNSEL:

Joseph S. Littenberg

Stephen F. Roth

Kevin M. Kocun

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, NJ 07090-1497

Tel: 908.654.5000

Dated: January 23, 2006

JS44

**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by the Rules of Court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the Civil Docket Sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS****Transaction Holdings Ltd. L.L.C.****(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF**

EXCEPT IN U.S. PLAINTIFF CASES)

Leatherhead, Surrey, England

**(c) ATTORNEYS FIRM NAME, ADDRESS AND PHONE NO.**

**Connolly Bove Lodge & Hutz LLP, 1007 N. Orange Street, PO Box  
2207, Wilmington, DE 19899, Arthur G. Connolly, III, Esq.  
(302) 658-9141**

**DEFENDANTS****IYG Holding Co., et al.**

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
TRACT OF LAND INVOLVED

ATTORNEYS (IF KNOWN)

**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

- ☐1 U. S. Government Plaintiff ☒3 Federal Question (U. S. Government Not A Party)
- ☐2 U. S. Government Defendant ☐ Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

- ☒1 Original Proceeding ☐2 Removed from State Court ☐3 Remanded from Appellate Court ☐4 Reinstated or Reopened ☐5 Transferred from Another District (specify) ☐6 Multidistrict Litigation ☐7 Appeal to District Judge from Magistrate Judgment

**V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)****CONTRACT**

- ☐ 110 Insurance  
☐ 120 Marine  
☐ 130 Miller Act  
☐ 140 Negotiable Instrument  
☐ 150 Recovery of Overpayment & Enforcement of Judgment  
☐ 151 Medicare Act  
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)  
☐ 153 Recovery of Overpayment of Veteran's Benefits  
☐ 160 Stockholders' Suits  
☒ 190 Other Contract  
☐ 195 Contract Product Liability

**REAL PROPERTY**

- ☐ 210 Eminent Domain  
☐ 220 Foreclosure  
☐ 230 Rent Lease & Ejectment  
☐ 240 Torts to Land  
☐ 245 Tort Product Liability  
☐ 290 All Other Real Property

**TORTS****PERSONAL INJURY**

- ☐ 310 Airplane  
☐ 315 Airplane Product Liability  
☐ 320 Assault, Libel & Slander  
☐ 330 Federal Employers' Liability  
☐ 340 Marine  
☐ 345 Marine Product Liability  
☐ 350 Motor Vehicle  
☐ 355 Motor Vehicle Product Liability  
☐ 360 Other Personal Injury

**CIVIL RIGHTS**

- ☐ 441 Voting  
☐ 442 Employment  
☐ 443 Housing/Accommodations  
☐ 444 Welfare  
☐ 440 Other Civil Rights

**PERSONAL INJURY**

- ☐ 362 Personal Injury - Med. Malpractice  
☐ 365 Personal Injury - Product Liability  
☐ 366 Asbestos Personal Injury Product Liability

**PERSONAL PROPERTY**

- ☐ 370 Other Fraud  
☐ 371 Truth in Lending  
☐ 380 Other Personal Property Damage  
☐ 385 Property Damage Product Liability

**PRISONER PETITIONS**

- ☐ 510 Motions to Vacate Sentence  
Habeas Corpus:  
☐ 530 General  
☐ 535 Death Penalty  
☐ 540 Mandamus & Other  
☐ 550 Other

**FORFEITURE/PENALTY**

- ☐ 610 Agriculture  
☐ 620 Other Food & Drug  
☐ 625 Drug Related Seizure of Property 21 USC 881  
☐ 630 Liquor Laws  
☐ 640 R.R. & Truck  
☐ 650 Airline Regs.  
☐ 660 Occupational Safety/Health  
☐ 690 Other

**LABOR**

- ☐ 710 Fair Labor Standards Act  
☐ 720 Labor/Mgmt. Relations  
☐ 730 Labor/Mgmt. Reporting & Disclosure Act  
☐ 740 Railway Labor Act  
☐ 790 Other Labor Litigation  
☐ 791 Empl. Ret. Inc. Security Act

**BANKRUPTCY**

- ☐ 422 Appeal  
☐ 443 Withdrawal 28 USC 157

**PROPERTY RIGHTS**

- ☐ 820 Copyrights  
☒ 830 Patent  
☐ 840 Trademark

**SOCIAL SECURITY**

- ☐ 861 HIA (1395ff)  
☐ 862 Black Lung (923)  
☐ 863 DIWC/DIWW (405(g))  
☐ 864 SSD Title XVI  
☐ 865 RSI (405(g))

**FEDERAL TAX SUITS**

- ☐ 870 Taxes (U.S. Plaintiff or Defendant)  
☐ 871 IRS - Third Party 26 USC 7609

**OTHER STATUTES**

- ☐ 400 State Reapportionment  
☐ 410 Antitrust  
☐ 430 Banks and Banking  
☐ 450 Commerce/ICC Rates/etc.  
☐ 460 Deportation  
☐ 470 Racketeer Influenced and Corrupt Organizations  
☐ 810 Selective Service  
☐ 850 Securities/commodities/Exchange  
☐ 875 Customer Challenge 12 USC 3410  
☐ 891 Agricultural Acts  
☐ 892 Economic Stabilization Act  
☐ 893 Environmental Matters  
☐ 894 Energy Allocation Act  
☐ 895 Freedom of Information Act  
☐ 900 Appeal of Fee Determination Under Equal Access to Justice  
☐ 950 Constitutionality of State Statutes  
☐ 890 Other Statutory Actions

**VI. CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY) **35 U.S.C. § 1 et seq.****VII. REQUESTED IN COMPLAINT:****DEMAND \$** **Damages and Injunctive relief**

CHECK YES only if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION

**JURY DEMAND:** ☒ YES ☐ NO☐ UNDER F.R.C.P. 23**VIII. RELATED CASE(S) IF ANY (See instructions)**

DATE January 23, 2006

SIGNATURE OF ATTORNEY OF RECORD

*Arthur G. Connolly III*

(#2667)

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

JS 44 Reverse

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44**

## Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency identify first the agency and then the official, giving both name and title.

**(b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

**(c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdiction be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause.

**V. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV above, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**VI. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers of multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

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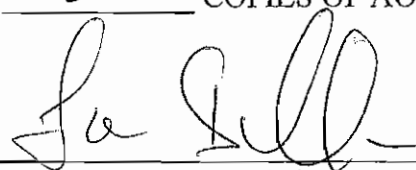
Civil Action No. \_\_\_\_\_

**ACKNOWLEDGMENT**  
**OF RECEIPT FOR AO FORM 85**

**NOTICE OF AVAILABILITY OF A**  
**UNITED STATES MAGISTRATE JUDGE**  
**TO EXERCISE JURISDICTION**

I HEREBY ACKNOWLEDGE RECEIPT OF 3 COPIES OF AO FORM 85.

\_\_\_\_\_  
(Date forms issued)

  
\_\_\_\_\_  
(Signature of Party or their Representative)

John Dillon  
\_\_\_\_\_  
(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action